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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [BC](#)
SUBJECT: BOTSWANA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: (A) STATE 59732 (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Botswana of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Botswana and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Botswana of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about

which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶18. Begin Final Text of Botswana,s country narrative in the 2009 TIP Report:

Botswana (TIER 2)

Botswana is a source, transit, and, to a lesser extent, destination country for men, women, and children trafficked for the purpose of forced labor and sexual exploitation. Children are trafficked internally for domestic servitude and cattle herding, while women report being forced into commercial sexual exploitation at safari lodges. Botswana is a staging area for both the smuggling and trafficking of third-country nationals, primarily from Namibia and Zimbabwe, to South Africa. Zimbabweans are also trafficked into Botswana for forced labor as domestic servants. Residents in Botswana most susceptible to trafficking are illegal immigrants from Zimbabwe, unemployed men and women, those living in rural poverty, agricultural workers, and children orphaned by HIV/AIDS.)Parents in poor rural communities sometimes send their children to work for wealthier families as domestics in cities or as herders at remote cattle posts, where some of these children become victims of forced labor. Some women from Zimbabwe who voluntarily migrate to Botswana to work illegally are subsequently exploited by their employers for forced labor. Batswana families which employ Zimbabwean women as domestic workers at times do so without proper work permits, do not pay adequate wages, and restrict or control the movement of their employees by holding their passports or threatening to have them deported back to Zimbabwe.

The Government of Botswana does not fully comply with minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. As this is Botswana,s first year ranked in the Report and available information suggests that Botswana,s trafficking problem is modest, Botswana is placed on Tier 2. The government, however, should address several serious deficiencies over the coming year. . Although it began useful actions to prevent trafficking, the government did not make significant or sustained efforts to proactively identify victims or prosecute trafficking offenders.

Recommendations for Botswana: Draft and enact comprehensive legislation that specifically criminalizes the full range of trafficking offenses; train law enforcement and immigration officers to identify trafficking victims, especially among vulnerable populations such as women and children engaging in prostitution; institute and carry out formal procedures for proactively identifying victims; expand public awareness campaigns to educate residents on the nature and dangers of human trafficking; and keep detailed records of anti-trafficking efforts undertaken and their results.

Prosecution

The Government of Botswana made inadequate efforts to investigate and punish trafficking offenses over the last year. Botswana did not prosecute, convict, or punish any trafficking offenses during the past year. Although it does not have a comprehensive law prohibiting trafficking in persons, the Penal Code, through its sections 155-158 covering procurement for prostitution and sections 260-262 covering slavery, prohibits some forms of human trafficking. The sufficiently stringent penalties prescribed for offenses

under these various laws range from seven to 10 years, imprisonment, and are commensurate with those prescribed for other serious crimes, such as rape. Evidence presented in three criminal cases currently being prosecuted suggests that the defendants may have engaged in trafficking. The defendants were originally investigated, arrested and charged for kidnapping, immigration, and fraudulent document offenses. Botswana shares its long and porous borders with five countries experiencing serious trafficking problems, yet only 10 investigators from the Immigration Department covered transnational trafficking and all other migration-related crimes. Immigration and law enforcement officials did not consistently differentiate between smuggling and trafficking, which continued to obscure the nature and extent of the trafficking situation in Botswana. The National Central Bureau of Interpol created a full time position for a desk officer who works exclusively on trafficking issues and education.

Protection

The government showed evidence of minimal but increasing efforts to protect victims of trafficking. Law enforcement and social services personnel have not established formal procedures to proactively identify victims or to refer victims for protective services. The Ministry of Labor is responsible for conducting inspections and monitoring for exploitative child labor, yet the Ministry did not conduct any such inspections or monitoring visits in the past year despite a national campaign to end child labor. The government funded and supported NGO programs that provided assistance and services to victims of general crimes which were accessible to any potential victims of trafficking. Botswana authorities, in partnership with another government in the region, assisted the safe repatriation of a trafficking victim to the victim's country of origin. Botswana's laws do not specifically protect victims of trafficking from prosecution for offenses committed as a direct result of being trafficked, but the government did not generally prosecute persons it believed to be victims of any crime.

Prevention

The government made moderate efforts to prevent trafficking in and through Botswana. It placed anti-trafficking education posters at all of its border posts and included trafficking awareness segments in some of its law enforcement training sessions. In 2008, the government approved a detailed national plan of action for the elimination of child labor, which is in its final stages of implementation. Two campaigns promoting an end to child labor, as mentioned above, raised awareness and educated both the public and relevant government agencies. Government representatives attended sessions with NGOs and religious organizations on the trafficking situations they had seen within the country, but the government took no action on the information. The government made only limited and indirect efforts to reduce the demand for commercial sex acts, largely through a broad HIV/AIDS awareness campaign.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in

the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of

the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why is Botswana included on the Report and ranked on Tier 2?

¶A. Botswana was placed on the TIP Report because there is evidence that it is a country of origin, transit, or destination for victims of severe forms of trafficking. The Government of Botswana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. As this is Botswana's first year ranked in the Report and available information suggests that Botswana's trafficking problem is modest, Botswana is placed on Tier 2. The government, however, must address several serious deficiencies in order to retain this ranking in the future. Although it began useful actions to prevent trafficking, the government did not make significant or sustained efforts to proactively identify victims or prosecute trafficking offenders.

Q2: What is the nature of the trafficking problem in Botswana?

¶A. Botswana is a source, transit, and, to a lesser extent, destination country for men, women, and children trafficked for the purpose of forced labor and sexual exploitation. Children are trafficked internally for domestic servitude and cattle herding, while women report being forced into commercial sexual exploitation at safari lodges. Botswana is a staging area for both the smuggling and trafficking of third-country nationals, primarily from Namibia and Zimbabwe, to South Africa. Zimbabweans are also trafficked into Botswana for forced labor as domestic servants. Residents in Botswana most susceptible to trafficking are illegal immigrants from Zimbabwe, unemployed men and women, those living in rural poverty, agricultural workers, and children orphaned by HIV/AIDS. Parents in poor rural communities sometimes send their children to work for wealthier families

as domestics in cities or as herders at remote cattle posts, where some of these children become victims of forced labor. Some women from Zimbabwe who voluntarily migrate to Botswana to work illegally are subsequently exploited by their employers for forced labor. Botswana families which employ Zimbabwean women as domestic workers at times do so without proper work permits, do not pay adequate wages, and restrict or control the movement of their employees by holding their passports or threatening to have them deported back to Zimbabwe.

Q3: What serious deficiencies must the government address in order to retain this ranking in the future?

¶A. The government should draft and enact comprehensive legislation that specifically criminalizes the full range of trafficking offenses; train law enforcement and immigration officers to identify trafficking victims, especially among vulnerable populations such as women and children engaging in prostitution; institute and carry out formal procedures for proactively identifying victims; expand public awareness campaigns to educate residents on the nature and dangers of human trafficking; and, keep detailed records of anti-trafficking efforts undertaken and their results.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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